

Message Text

LIMITED OFFICIAL USE

PAGE 01 MOSCOW 07485 180947Z

15

ACTION EUR-25

INFO OCT-01 ISO-00 PPT-02 SCA-01 SCS-03 L-03 H-03 CG-00

DOT-00 SS-20 NSC-07 SP-03 SAI-01 PA-04 PRS-01 USIA-15

CIAE-00 INR-10 NSAE-00 RSC-01 INSE-00 DRC-01 /101 W

----- 076971

P R 180915Z MAY 74

FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC PRIORITY 8945

INFO AMCONSUL LENINGRAD

LIMITED OFFICIAL USE MOSCOW 7485

E. O. 11652: N/A

TAGS: UR, PFOR, CPAS, CGEN (KUDIRKA, SIMAS)

SUBJ: CITIZENSHIP CASE

REF: MOSCOW 7475

1. STATEMENT BY MARIJA SULSKIENE NEE KUDIRKA QUOTED AT END REFTEL INDICATED HER SON SIMAS KUDIRKA WAS BORN OUT OF WEDLOCK APRIL 9, 1930, IN GRISHKABUDIS, LITHUANIA. SHE SAID SHE DID NOT HAVE HIS BIRTH CERTIFICATE OR ANY DOCUMENTATION OF HIS BIRTH WITH HER, BUT MIGHT HAVE SUCH A DOCUMENT AT HOME.

2. AS REPORTED REFTEL, EMBASSY FOUND MARIJA SULSKIENE ACQUIRED US CITIZENSHIP BY BIRTH IN US, AND IN ABSENCE ANY EVIDENCE OR INDICATION SHE HAD EXPATRIATED HERSELF IN ANY WAY, EMBASSY DOCUMENTED HER AS US CITIZEN.

3. MARIJA SULSKIENE DECLARED IN HER STATEMENT THAT SHE NEVER MARRIED SIMAS KUDIRKA'S FATHER SIMAS ABRAITAS, AND THERE ARE NO INDICATIONS SIMAS ABRAITAS EVER LEGITIMATED HIS SON. THE FACT THAT SIMAS KUDIRKA IS STILL KNOWN BY HIS MOTHER'S MAIDEN NAME IS A STRONG INDICATION THAT HE WAS NOT LEGITIMATED BY HIS NATURAL FATHER.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 MOSCOW 07485 180947Z

4. THUS, IT APPEARS TO THE EMBASSY THAT SIMAS KUDIRKA ACQUIRED

U.S. CITIZENSHIP UNDER THE SECOND PARAGRAPH OF SECTION 205 OF THE NATIONALITY ACT OF 1940, QUOTED IN 8 FAM 216 AS FOLLOWS:
"IN THE ABSENCE OF SUCH LEGITIMATION OR ADJUDICATION, THE CHILD, WHETHER BORN BEFORE OR AFTER THE EFFECTIVE DATE OF THIS ACT, IF THE MOTHER HAD THE NATIONALITY OF THE UNITED STATES AT THE TIME OF THE CHILD'S BIRTH, AND HAD PREVIOUSLY RESIDED IN THE UNITED STATES OR ONE OF ITS OUTLYING POSSESSIONS, SHALL BE HELD TO HAVE ACQUIRED AT BIRTH HER NATIONALITY STATUS. 54 STAT. 1139-1140; 8 U.S.C. 605."

5. NO RETENTION REQUIREMENTS ARE REFLECTED IN SUCH A CASE IN THE CHART IN 8 FAM EXHIBIT 216.

6. SHOULD THE PRESS RESEARCH KUDIRKA'S CASE, THEY MAY BE INTERESTED BY THE FACT THAT HE APPARENTLY WOULD NOT HAVE A CLAIM TO U.S. CITIZENSHIP UNDER LAWS THAT WOULD BE APPLICABLE HAD HE NOT BEEN BORN OUT-OF-WEDLOCK.

7. THE EMBASSY COULD PROCEED WITH THE CONSULAR CITIZENSHIP CASE OF SIMAS KUDIRKA BY (A) REQUESTING A COPY OF HIS BIRTH CERTIFICATE THROUGH MFA IN ACCORDANCE WITH THE USUAL PROCEDURE FOR REQUESTING CIVIL DOCUMENTS (THE EMBASSY SENDS DOZENS OF SUCH REQUESTS TO MFA WEEKLY); AND (B) REQUESTING CONSULAR ACCESS TO KUDIRKA TO INTERVIEW HIM AND PERMIT HIM TO EXECUTE AN APPLICATION FOR REGISTRATION AS A U.S. CITIZEN BEFORE A CONSULAR OFFICER, EITHER AT THE EMBASSY, HIS PLACE OF DETENTION, OR SOMEWHERE ELSE AGREED UPON BY THE EMBASSY AND MFA. IN MAKING SUCH A REQUEST FOR ACCESS THE EMBASSY COULD CITE ARTICLES 4, 7(3) AND 12(1) OF THE US-SOVIET CONSULAR CONVENTION.

8. EMBASSY WILL AWAIT DEPARTMENT'S INSTRUCTIONS AS TO (1) WHETHER TO PROCEED WITH CONSULAR AND CITIZENSHIP CASE AS DESCRIBED ABOVE, AND (B) HOW TO RESPOND TO PRESS INQUIRIES ABOUT SIMAS KUDIRKA NOW THAT WE HAVE DOCUMENTED HIS MOTHER AS A U.S. CITIZEN.
STOESSEL

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 18 MAY 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: blochd0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974MOSCOW07485
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740123-1230
From: MOSCOW
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740536/aaaabfnz.tel
Line Count: 97
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: MOSCOW 7475
Review Action: RELEASED, APPROVED
Review Authority: blochd0
Review Comment: n/a
Review Content Flags:
Review Date: 16 JUN 2005
Review Event:
Review Exemptions: n/a
Review History: RELEASED <11 JUN 2002 by elyme>; APPROVED <25 FEB 2003 by GarlanWA>; WITHDRAWN <13 Jun 2005 by BoyleJA, PRIVACY>; RELEASED <16 JUN 2005 by powellba2>; APPROVED <20 JUN 2005 by blochd0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CITIZENSHIP CASE
TAGS: PFOR, CPAS, CGEN, UR, (KUDIRKA, SIMAS), (SULSKIENE, MARIJA), (ABRAITAS, SIMAS)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005